IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16244 of 2004

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Between:

M/s. Indian Leathers Exporters & Tanners, Desaipet,

Warangal, Rep. by its Managing Partner,
Najimuddin, S/o. Riyazuddin, aged about 40 Years, R/o.

Desaipet, Warangal, Warangal District.

..... PETITIONER

AND

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1 The Assistant Provident Fund Commissioner And

Authority Under Section 7-A of Employees Provident

Funds and Miscellaneous Provisions Act 1952, Sub

Regional Office, Warangal, Warangal District.
2 The Recovery Officer, Employees Provident Fund,
APSFC Building, Balasamudram, Hanamkonda,

Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Order Dated 8-3-2004 in No:AP/SRO/WL/ENG/26569/WGL/7AORDER/2003-04/4937 and consequential Demand Notice dated 12-8-2004 in No:AP/SRO/WGL/ENG/REC/16569/WGL/2004 issued by the 2nd respondent herein as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for Respondents: MR.R.N.REDDY

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the

respondents. Both have no objection for disposal of the writ petition at the admission stage.

This writ petition is filed questioning the order passed by the first respondent under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, in determining the liability on the petitioner for the period from 3/1998 to 11/2003. In spite of the said assessment order, as the petitioner has not paid the amount, demand notice dated 12/8/2004 was issued for an amount of Rs.4,44,138/-. Questioning the same, petitioner filed the present writ petition seeking indulgence of this court to permit him to pay the said amount by way of instalments without prejudice to his rights to question the assessment order by way of appeal.

Learned counsel for the petitioner submits that the petitioner unit has been closed in the year 1998 and has not carrying any work so far. In view of the same, the petitioner may be permitted to pay the said amount by way of instalments without prejudice to his rights to question the assessment order by way of an appeal.

Learned standing counsel has no objection for receiving the amount by way of instalments, provided in 15 instalments, whereas the learned counsel for the petitioner sought for 20 instalments.

In view of the same petitioner is permitted to deposit a sum of Rs.44,000/- (Rupees forty four thousand only) on or before 30th September, 2004 and the balance amount is permitted to deposit in 15 equal monthly instalments commencing from November 2004, payable on or before 5th of every month from November onwards subject to further orders that may be passed in the appeal filed by the petitioner, if any. If the petitioner fails to deposit the amount, it is always open for the respondents to proceed with the recovery, in accordance with law.

With the above observation, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.

Note: C.C. in 3 days.

B/o

Js.

ASSISTANT REGISTRAR

To

1 The Assistant Provident Fund Commissioner And

Authority Under Section 7-A of Employees Provident

Funds and Miscellaneous Provisions Act 1952, Sub

Regional Office, Warangal, Warangal District.

2 The Recovery Officer, Employees Provident Fund,
APSFC Building, Balasamudram, Hanamkonda,

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